

MINUTE ENTRY
FALLON, J.
April 25, 2003

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: PROPULSID : **MDL NO. 1355**
PRODUCTS LIABILITY LITIGATION : **SECTION "L"**
 : **JUDGE FALLON**
..... :

THIS DOCUMENT RELATES TO THE FOLLOWING CASES:
ALL CASES

Following this Court's monthly status conference, the Court convened a telephone status conference to discuss issues relating to the Plaintiff Liaison Committee's ("PLC's") third party subpoena duces tecum issued to the Degge Group, Ltd. ("Degge Group"). Participating in the conference were Leonard Davis on behalf of the PLC, Monique Garsaud on behalf of the Defendants, and Leon Taranto, representing Degge Group. The Court reporter was Karen Ibos. Counsel discussed the Degge Group's objections and issues relating to subpoena.

The Court noted that its authority over this matter derives from 28 U.S.C. § 1407, which establishes the jurisdiction of multidistrict litigation transferee courts, such as this Court. Section 1407 provides in pertinent part that "[t]he judge or judges to whom such actions are assigned ... may exercise the powers of a district judge in any district for the purpose of conducting pretrial depositions in such coordinated or consolidated pretrial proceedings." *Id.* After reviewing the case law on the subject, the

Court concludes that it has jurisdiction over the subpoenas issued to the Degge Group; furthermore, pursuant to section 1407, this Court sits as a Court in the Eastern District of Virginia, where the subpoena duces tecum was issued. *See, e.g., In re Corrugated Container Anti-Trust Litigation*, 620 F.2d 1086, 1090-91 (finding that a MDL transferee court may entertain discovery matters in other districts, but sits as a court of that district when so ruling on such matters).

Turning to the specific issues of the Degge Group subpoena, the Court notes counsel's objections as to costs and limited personnel. The Court addressed only issues relating to the production of hard copies of documents. At this time, the Court makes no decision regarding discovery of electronic production and will discuss that issue if and when it arises.

After considering the objections of counsel and the arguments of counsel, this Court, exercising its authority under 28 U.S.C. § 1407 and sitting as a Court in the Eastern District of Virginia, hereby ORDERS that counsel for the PLC and the Degge Group shall confer on the scope of the subpoena.

IT IS FURTHER ORDERED that the Degge Group shall make any hard copies available to the PSC for inspection at its offices. IT IS FURTHER ORDERED that counsel shall confer no later than Monday, April 28, 2003 regarding available dates for said inspection and that counsel shall thereafter notify the Court in writing of the dates selected. IT IS FURTHER ORDERED that the Clerk of Court shall forward a copy of this Minute Entry to Mr. Taranto at the location provided below.

**CLERK TO SERVE:
MR. LEON TARANTO, ESQ
VIA FAX: 202-337-6065**